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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ADELAIDE GAIL ZAPPA, individually  
and as sole trustee of THE ZAPPA  
FAMILY TRUST U/T/D NOVEMBER 15,  
1990, a California Revocable Trust,

Plaintiff,

vs.

RYKODISC, INC.

Defendant.

Civil Action No. 08-396

**FIRST AMENDED**

**COMPLAINT**

**PLAINTIFF REQUESTS**

**TRIAL BY JURY**

Plaintiff Adelaide Gail Zappa (“Gail Zappa” or “Plaintiff”), individually and as sole trustee of The Zappa Family Trust u/t/d November 15, 1990, a California revocable trust (the “Trust”), by her attorneys Dreier LLP, for her complaint against Rykodisc, Inc. (“Ryko”), alleges on knowledge as to her own acts and otherwise on information and belief:

**JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) in that this case involves claims arising under the Copyright Act of 1976, 17 U.S.C. §§ 101 *et. seq.*, pursuant to 15 U.S.C. § 1121 in that this case involves claims arising under the Lanham Act, 15 U.S.C. § 1051 *et seq.*, and pursuant to 28 U.S.C. § 1332 in that the plaintiff and defendant are citizens of different states, and that the matter in controversy exceeds the sum or value of seventy-five thousand dollars (\$75,000), exclusive of interest and costs. This Court has supplemental jurisdiction over the claims alleging violations of state law pursuant to 28 U.S.C. § 1337(a).

2. Venue is proper in this Court because the parties have expressly submitted to venue in this judicial district pursuant to a forum selection clause contained in the written agreement that is the subject of this action. Venue is also proper in this district pursuant to 28 U.S.C. § 1391(b) because Defendant resides within this judicial district.

**THE PARTIES**

3. At all times mentioned herein, Plaintiff was and is an individual residing in Los Angeles, California, and is the sole trustee and real party in interest acting on behalf of the Trust.

4. At all times mentioned herein, defendant Ryko was and is a Minnesota corporation organized and existing under the laws of the State of Minnesota, with its principal place of business at 30 Irving Place, New York, New York 10003.

**GENERAL ALLEGATIONS**

**A. The Legendary Frank Zappa**

5. Frank Zappa ("Zappa") was one of the most revered rock legends of his time. In a career spanning more than 30 years, Zappa released more than 60

albums. He received multiple Grammy nominations, was posthumously inducted into the Rock and Roll Hall of Fame and received a Grammy Lifetime Achievement Award. Zappa passed away in December 1993. Upon Zappa's death, the Trust acquired, among other things, all right, title and interest, including copyrights in and to all sound recordings embodying Zappa's performances. Zappa's wife Gail Zappa was appointed trustee of the Trust.

6. Zappa earned a reputation for extremely high quality of work, including his outstanding technical and musical quality. He was known for producing uniquely creative recordings that satisfied the highest standards of artistic and technical excellence. The masters that Zappa selected for his albums, and the sequencing of those masters, were a key artistic ingredient of his albums. Moreover, the technical quality and format of each of Zappa's recordings was also part of his unique artistic style and creation on which his reputation was based. The record buying public and legion of fans came to associate his albums with those standards of excellence.

#### **B. The 1994 Agreement**

7. On or about October 6, 1994, Ryko, on the one hand, and the Trust and others, on the other hand, entered into a written agreement (the "1994 Agreement") wherein the parties agreed, among other things, that:

(a) Ryko shall acquire from the Trust, for a specified amount, certain rights in and to the actual versions and mixes of the sound recordings commercially released or exploited with the authority of Zappa prior to October 6, 1994, and certain previously unreleased albums listed on Schedule "A" of the 1994 Agreement (the "Subject Masters").

(b) The Trust shall retain all rights in and to any sound recordings embodying Zappa's performances other than the Subject Masters, including but not limited to all "Classical Masters" and "Vault Masters." "Classical Masters" are defined as master recordings which were not performed by a Frank Zappa touring band,

such as "Lumpy Gravy," "Civilization Phase III," "200 Motels," "Jazz from Hell," "Orchestral Favorites," "Perfect Stranger," "Francesco Zappa," "The Yellow Shark" or similar recordings. "Vault Masters" are defined as master recordings embodying Zappa's performances owned or controlled by the Trust (other than the Classical Masters or the Subject Masters).

(c) During the first two (2) years of the agreement, the Trust shall not grant any licenses to any third parties to exploit the Vault Masters (other than specifically permitted in the 1994 Agreement such as in connection with its mail order operation). Commencing with the third year of the 1994 Agreement and continuing until on or about October 5, 2004 (the "Holdback Period"), the Trust shall be prohibited from exploiting any of the Vault Masters on a record other than in connection with its mail order operation. Notwithstanding the foregoing, during the Holdback Period the Trust shall be entitled to submit to Ryko all Vault Masters which the Trust desires to exploit other than through the mail order operation, in the form of an album of Vault Masters ("Vault Albums"), and Ryko shall have the option to accept for exploitation one or more of such Vault Albums pursuant to certain terms and conditions specified in the 1994 Agreement (the "Right of First Refusal"). If Ryko rejects any such Vault Albums, the Trust shall have the right to license the Vault Album to third parties on terms no less favorable than those which, pursuant to the 1994 Agreement, were available to Ryko, subject to certain annual limitations on the number of Vault Albums that the Trust could release. For a period of five (5) years following the Holdback Period, the Trust shall be prohibited from licensing or selling any rights in the Vault Masters to any third parties without first allowing Ryko to match the economic terms and conditions offered to such third parties (the "Matching Right").

(d) Ryko's Right of First Refusal and Matching Right relating to the Vault Masters shall terminate in the event that all or substantially all of the shares, or a controlling interest in Ryko, were acquired by an unaffiliated corporation and, at

least, two of the three principals of Ryko ceased to be actively involved with the administration of the Subject Masters.

(e) The Trust shall license to Ryko ancillary rights to use, among other things, the artwork, photographic and other materials ("Album Cover Artwork") previously used by Zappa. Such use by Ryko was expressly limited to use in the packaging, distribution, marketing and advertising of records reproduced from the Subject Masters and was limited to use by Ryko in the same manner as such album cover artwork was previously used.

(f) Ryko shall be prohibited from making any remixes, edits or changes in technical standards that would impact on the integrity of the work as delivered by the Trust.

(g) The Subject Masters embodying the musical compositions "Watermelon in Easter Hay," "Black Napkins," and "Zoot Allures," (collectively, the "Restricted Cuts"), among other things, cannot be exploited individually or coupled with other masters and may only be exploited on previously released albums on which they were embodied. All other rights to exploit the Restricted Cuts throughout the Universe shall be granted in perpetuity to the Trust.

(h) Ryko was prohibited from making any alterations or modifications to the album artwork utilized by Zappa, his formerly owned and operated record company entitled Pumpko Industries, Ltd., or the Trust other than in the same manner as such album artwork had been used in connection with previously released Zappa albums. Furthermore, pursuant to a license agreement dated March 5, 1999, by and between Ryko and the Trust, Ryko had the limited right to make modifications to the album artwork subject to the terms of conditions of the license agreement.

(i) Ryko was obligated to pay mechanical royalties to the Trust at rates specified in the 1994 Agreement for all musical compositions embodied on

any of the Subject Masters or Vault Masters exploited by the Trust pursuant to the terms of the 1994 Agreement.

**C. Ryko's Attempt to Improperly Expand Its Rights**

8. After entering into the 1994 Agreement, the principals of Ryko became extremely dissatisfied with the terms and conditions of such agreement. Specifically, they were unhappy with the limited nature of the rights they acquired in and to the Zappa sound recordings. Thus, Ryko attempted improperly and in bad faith to expand the rights granted to it pursuant to the 1994 Agreement and avoid their obligation to pay monies owing to the Trust by, among other things, the following:

(a) Asserting to the Trust and various third parties that pursuant to the 1994 Agreement Ryko acquired not only the Subject Masters, but also the right to the delivery of any and all other versions or mixes made from the same source materials from which the Subject Masters were derived, and to prohibit the Trust from exploiting those other versions and mixes, even though ownership of such versions and mixes were reserved by the Trust.

(b) Licensing to third parties such as to Emusic, Napster, iTunes and possibly others, the right to digitally distribute the Subject Masters to the public via the Internet even though digitally downloading the masters impacts on the integrity of the work and does not result in the equivalent of 16-bit technology which Zappa used to record the Subject Masters.

(c) Releasing a number of the Subject Masters in vinyl even though it impacted the integrity of the works as embodied in the final version of the Subject Masters delivered to Ryko.

(d) Licensing to various third parties the right to digitally distribute as singles the Restricted Cuts to the public via the Internet, even though Ryko only had the right to exploit the Restricted Cuts on previously released albums on which

they were embodied. All other rights to exploit the Restricted Cuts, including, but not limited to, the right to exploit them as singles, were granted in perpetuity to the Trust.

(e) Editing and/or making certain other changes to various of the Subject Masters even though it impacted the integrity of the works as embodied in the final version of the Subject Masters delivered to Ryko.

(f) Through various advertising campaigns, misleading the public into believing that the nature, characteristics and/or qualities of certain newly released albums are actually quite different than the recordings that they are actually purchasing. Specifically, Ryko released various Zappa compilation albums consisting of masters taken from a number of different previously released classical Zappa works, even though Zappa was not involved in choosing the masters embodied on those albums or the sequencing of those masters. Nonetheless, the record-buying public purchased those recordings because they were misled into believing that they are purchasing a Zappa recording that satisfied his demand for artistic and technical perfection.

(g) Releasing various compilation albums using misleading titles such as "Zappa's Greatest Hits," "The Best of Frank Zappa" or other similar misleading titles. Ryko's use of such album titles in connection with Zappa masters and the advertising utilized in connection with the albums was intended to, and did in fact, mislead the public into believing that the albums consist solely of Zappa's greatest hits, when in fact they do not.

(h) Altering and/or modifying the album artwork for use in a manner other than as such artwork had been used in connection with previously released Zappa albums, including but not limited to, translating Zappa song lyrics into languages other than those that appeared on previously released Zappa albums.

(i) Failing to account to and pay the Trust the mechanical royalties due to the Trust with respect to the musical compositions owned or controlled

by the Trust that are embodied on the Subject Masters or Vault Masters exploited by Ryko with authority of the Trust pursuant to the 1994 Agreement.

9. Plaintiff and Ryko entered into a series of written tolling agreements tolling the statute of limitations from January 1, 2006 to and including January 15, 2008.

**FIRST CLAIM FOR RELIEF**

**(DECLARATORY JUDGMENT)**

(28 U.S.C. §§ 2201, 2202)

10. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 9 hereinafter as if the same were fully set forth at length herein.

11. An actual controversy has arisen and now exists between Plaintiff, on the one hand, and Ryko, on the other, concerning the respective rights and duties of the Parties under the 1994 Agreement.

12. Plaintiff contends that:

(a) Pursuant to the 1994 Agreement, the Trust retained all rights in and to any sound recordings embodying Zappa's performances other than the Subject Masters, including, but not limited to, the "Vault Masters" that are different versions or mixes of certain Subject Masters. Accordingly, the Trust has the right to exploit all of the Vault Masters, even if they are different versions or mixes of the Subject Masters made from the same source material as the Subject Masters, and Ryko does not have the right to delivery of those masters;

(b) Ryko does not have the right pursuant to the 1994 Agreement to digitally distribute the Subject Masters either directly or through sites such as Emusic, Napster, iTunes or other similar on-line sites; and

(c) Ryko does not have the right pursuant to the 1994 Agreement to distribute any of the Subject Masters in vinyl.

13. Ryko denies the foregoing contentions.

14. Plaintiff desires a judicial declaration of her rights and duties. A judicial determination is necessary and appropriate under the circumstances so that the parties may proceed in accordance with their rights as determined by the Court.

**SECOND CLAIM FOR RELIEF**

**(BREACH OF CONTRACT)**

15. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 9 and 11 through 14 hereinafter as if the same were fully set forth at length herein.

16. Within the relevant statute of limitations period, as extended by the tolling agreements described in paragraph 9 above, Ryko has materially breached the 1994 Agreement by, among other things:

- (a) Licensing to third parties such as to Emusic, Napster, iTunes and possibly others, without the permission of the Trust, the right to digitally distribute the Subject Masters to the public via the Internet;
- (b) Releasing, without the permission of the Trust, a number of the Subject Masters in vinyl;
- (c) Editing and/or otherwise changing various of the Subject Masters in ways that impacted the integrity of the works as delivered to Ryko; and
- (d) Failing to account to and pay the Trust the mechanical royalties due to the Trust with respect to the musical compositions owned or controlled by the Trust that are embodied on the Subject Masters or Vault Masters exploited by Ryko pursuant to the 1994 Agreement.

17. Plaintiff has performed all material conditions to be performed by her pursuant to the 1994 Agreement, except insofar as the same were excused or prevented by Ryko.

18. As a direct and foreseeable result of Ryko's breaches of the 1994 Agreement, Plaintiff has been damaged in an amount to be determined at trial, but far in excess of \$75,000.

### **THIRD CLAIM FOR RELIEF**

#### **(COPYRIGHT INFRINGEMENT)**

19. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 9 hereinafter as if the same were fully set forth at length herein.

20. Since the date of inception of the copyrights, Plaintiff has been, and continues to be, proprietor of the right, title and interest in and to the copyrights in the following sound recordings embodied on the album entitled "Lather" (the "Lather Album"): "For The Young Sophisticate," "Duck Duck Goose," "Tryin' To Grow A Chin," "Broken Hearts Are For Assholes," "Honey Don't You Want A Man Like Me," "Leather Goods ,," and "Revenge of the Knick Knack People" (collectively the "Trust's Lather Sound Recordings").

21. The Trust's Lather Sound Recordings contain a large amount of wholly original material and constitute copyrightable subject matter under the laws of the United States.

22. The Trust, complying in all respects with the Copyright laws of the United States duly registered a claim to the Trust's Lather Sound Recordings in the United States Copyright Office. Zappa deposited and registered the Trust's Lather Sound Recordings in the United States Copyright Office on or about March 31, 2008 and received from the Register of Copyrights the following Certificates of Registration:

<u>Sound Recording</u>	<u>Certificates of Registration</u>
"Duck Duck Goose"	SR 611-901
"Revenge of the Knick Knack People"	SR 611-902
"For The Young Sophisticate"	SR 611-889
"Tryin' To Grow A Chin"	SR 611-895

"Broken Hearts Are For Assholes"	SR 611-891
"Honey Don't You Want A Man Like Me"	SR 611-898
"Leather Goods"	SR 611-899

True and correct copies of the certificates of registration are attached hereto as Exhibit 1 and are incorporated herein by reference.

23. At all times relevant hereto, Plaintiff has duly complied with all pertinent provisions of the Copyright Act and all of the laws governing copyright with respect to the Trust's Lather Sound Recordings.

24. Ryko has unlawfully, and without authority from Plaintiff, (a) within the relevant statute of limitations period, as extended by the tolling agreements described in paragraph 9 above, licensed to third parties the right to sell to the public the Trust's Lather Sound Recordings as singles; and (b) commencing on or about October 6, 2004, manufactured and distributed to the public the Lather Album embodying the Trust's Lather Sound Recordings.

25. The Trust's Lather Sound Recordings, identified above, are not Subject Masters and the Trust did not grant Ryko the right to exploit any of those sound recordings on the Lather Album after on or about October 6, 2004 or to ever exploit any of the Trust's Lather Sound Recordings as singles.

26. Through its conduct alleged above, Ryko has infringed Plaintiff's copyrights and exclusive rights in each of the Trust's Lather Sound Recordings in violation of Sections 106, 115, and 501 of the Copyright Act, 17 U.S.C. §§ 106, 115, and 501.

27. Ryko's acts of infringement were willful, in disregard of and with indifference to the rights of Plaintiff.

28. Plaintiff has notified Ryko in writing of its violations of Plaintiff's rights and demanded that Ryko cease its unlawful conduct. Ryko has failed and refused to cease and desist from its unlawful conduct.

29. As a direct and proximate result of the infringements by Ryko, Plaintiff is entitled to damages and Ryko's profits in amounts to be proven at trial.

30. As a direct and proximate result of the foregoing acts and conduct, Plaintiff has sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Unless enjoined and restrained by this Court, Ryko will continue to infringe Plaintiff's rights in the Trust's Lather Sound Recordings. Plaintiff is entitled to preliminary and permanent injunctive relief.

#### **FOURTH CLAIM FOR RELIEF**

##### **(COPYRIGHT INFRINGEMENT)**

31. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 9 and 20 through 30 hereinafter as if the same were fully set forth at length herein.

32. Since the date of inception of the copyrights, Plaintiff has been, and continues to be, proprietor of the right, title and interest in and to the copyrights in the musical compositions embodied on the Trust's Lather Sound Recordings (the "Lather Musical Compositions").

33. The Lather Musical Compositions contain a large amount of wholly original material and constitute copyrightable subject matter under the laws of the United States.

34. Munchkin Music, a fictitious business name for Zappa, and Plaintiff with respect to Certificate of Registration PA 1083594, complying in all respects with the Copyright laws of the United States duly registered a claim to the Lather Musical Compositions in the United States Copyright Office. Zappa, and Plaintiff with respect to Certificate of Registration PA 1083594, deposited and registered the Lather Musical Compositions in the United States Copyright Office and received from the Register of Copyrights the following Certificates of Registrations:

<u>Musical Composition</u>	<u>Certificate of Registration</u>	<u>Date</u>
“Duck Duck Goose”	Eu 843148 PA 1083594	Nov. 21, 1977 Mar. 12, 2001
“Curse of the Knick Knack People”/ "Revenge of the Knick Knack People"	PA 682-900 PA 10839	Dec. 6, 1993 Mar. 12, 2001
“For The Young Sophisticate”	Eu 843147 PA 108394	Nov. 21, 1977 Mar. 12, 2001
“Tryin’ To Grow A Chin”	PA 33-059 PA 108394	April 23, 1979 Mar. 12, 2001
“Broken Hearts Are For Assholes”	PA 33-049 PA 108394	April 23, 1979 Mar. 12, 2001
“Honey Don't You Want A Man Like Me”	Eu 795161 PA 108394	June 17, 1977 Mar. 12, 2001
"Leather Goods"	PA 1083594	Mar. 12, 2001

True and correct copies of the certificates of registration for all of the Lather Musical Compositions other than Certificate of Registration Number PA 108394, and a print out from the United States Copyright Office's on-line database setting forth registration information for Certificate of Registration Number PA 108394, are attached hereto as Exhibit 2 and are incorporated herein by reference.

35. Zappa and Plaintiff assigned to Zappa and Plaintiff as trustees of the Zappa Family Trust, u/t/d November 15, 1990, all of their right, title and interest in and to all of the Lather Musical Compositions and all of his copyrights therein. Said assignments were recorded with the United States Copyright Office.

36. At all times relevant hereto, Zappa and Plaintiff have duly complied with all pertinent provisions of the Copyright Act and all of the laws governing copyright with respect to the Lather Musical Compositions.

37. Ryko has unlawfully, and without authority from Plaintiff, (a) within the relevant statute of limitations period, as extended by the tolling agreements described in paragraph 9 above, licensed to third parties the right to sell to the public the Lather Musical Compositions embodied on singles of the Trust's Lather Sound

Recordings; and (b) commencing on or about October 6, 2004, manufactured and distributed to the public the Lather Album embodying the Lather Musical Compositions.

38. Through its conduct alleged above, Ryko has infringed Plaintiff's copyrights and exclusive rights in each of the Lather Musical Compositions in violation of Sections 106, 115, and 501 of the Copyright Act, 17 U.S.C. §§ 106, 115, and 501

39. Ryko's acts of infringement were willful, in disregard of and with indifference to the rights of Plaintiff.

40. Plaintiff has notified Ryko in writing of its violations of Plaintiff's rights and demanded that Ryko cease its unlawful conduct. Ryko has failed and refused to cease and desist from its unlawful conduct.

41. As a direct and proximate result of the infringements by Ryko, Plaintiff is entitled to damages and Ryko's profits in amounts to be proven at trial.

42. Alternatively, Plaintiff is entitled to the maximum statutory damages in the amount of \$150,000 with respect to each musical composition infringed, or for such other amounts as may be proper under 17 U.S.C. § 504(c).

43. Plaintiff is further entitled to her attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

44. As a direct and proximate result of the foregoing acts and conduct, Plaintiff has sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Unless enjoined and restrained by this Court, Ryko will continue to infringe Plaintiff's rights in the Lather Musical Compositions. Plaintiff is entitled to preliminary and permanent injunctive relief.

#### **FIFTH CLAIM FOR RELIEF**

##### **(COPYRIGHT INFRINGEMENT)**

45. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 9 hereinafter as if the same were fully set forth at length herein.

46. The Restricted Cut Recordings contain a large amount of wholly original material and constitute copyrightable subject matter under the laws of the United States.

47. Zappa, complying in all respects with the Copyright laws of the United States duly registered a claim to the Restricted Cut Recordings in the United States Copyright Office. Zappa deposited and registered the sound recordings embodied on the Restricted Cuts in the United States Copyright Office and obtained the following Certificates of Registration:

<u>Title</u>	<u>Certificate of Registration</u>	<u>Date</u>
Zoot Allures	N 37787	Unknown
Zoot Allures	SR 154826	July 2, 1993
Zoot Allures	SR 154810	July 2, 1993
Zoot Allures	SR 154829	July 2, 1993
Black Napkins	N 37787	Unknown
Black Napkins	SR 154819	July 2, 1993
Black Napkins	SR 154812	June 16, 1997
Watermelon in Easter Hay	SR 49713	Nov. 18, 1983
Watermelon in Easter Hay	SR 154824	July 2, 1993

48. At all times relevant hereto, Zappa and Plaintiff have duly complied with all pertinent provisions of the Copyright Act and all of the laws governing copyright with respect to the Restricted Cuts.

49. Zappa and Plaintiff assigned to Zappa and Plaintiff as trustees of the Zappa Family Trust, u/t/d November 15, 1990, all of their right, title and interest in and to the Restricted Cut Recordings, and all of his copyrights therein. Said assignment was recorded with the United States Copyright Office.

50. Pursuant to the 1994 Agreement, the Trust assigned to Ryko the Restricted Cuts, but Ryko simultaneously granted the Trust an exclusive irrevocable

license in perpetuity for the use and exploitation of the Restricted Cuts in any manner, including as singles, other than exploitation on the albums on which they were previously released. A true and correct copy of the license recorded with the United States Copyright Office is attached hereto as Exhibit 3 and is incorporated herein by reference.

51. Within the relevant statute of limitations period, as extended by the tolling agreements described in paragraph 9 above, Ryko has unlawfully, and without authority from Plaintiff, digitally distributed, as singles, the Restricted Cuts.

52. Through its conduct alleged above, Ryko has, infringed Plaintiff's copyrights and exclusive rights in each of the Restricted Cut Recordings by distributing said recordings as singles in violation of Sections 106, 115, and 501 of the Copyright Act, 17 U.S.C. §§ 106, 115, and 501.

53. Ryko's acts of infringement were willful, in disregard of and with indifference to the rights of Plaintiff.

54. Plaintiff has notified Ryko in writing of its violations of Plaintiff's rights and demanded that Ryko cease its unlawful conduct. Ryko has failed and refused to cease and desist from its unlawful conduct.

55. As a direct and proximate result of the infringements by Ryko, Plaintiff is entitled to damages and Ryko's profits in amounts to be proven at trial.

56. Alternatively, Plaintiff is entitled to the maximum statutory damages in the amount of \$150,000 with respect to each work infringed, or for such other amounts as may be proper under 17 U.S.C. § 504(c).

57. Plaintiff is further entitled to her attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

58. As a direct and proximate result of the foregoing acts and conduct, Plaintiff has sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Unless enjoined and restrained by

this Court, Ryko will continue to infringe Plaintiff's rights in the Restricted Cut Recordings. Plaintiff is entitled to preliminary and permanent injunctive relief.

## **SIXTH CLAIM FOR RELIEF**

### **(COPYRIGHT INFRINGEMENT)**

59. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 9 and 46 through 58 hereinafter as if the same were fully set forth at length herein.

60. Since the date of inception of the copyrights, Plaintiff has been, and continues to be, proprietor of the right, title and interest in and to the copyrights in the musical compositions embodied on the Restricted Cuts ("Restricted Cut Compositions").

61. The Restricted Cut Compositions contain a large amount of wholly original material and constitute copyrightable subject matter under the laws of the United States.

62. Zappa, complying in all respects with the Copyright laws of the United States duly registered a claim to the Restricted Cut Compositions in the United States Copyright Office. Zappa deposited and registered the Restricted Cut Compositions in the United States Copyright Office and received the following Certificates of September 10, 2003 Registration:

<u>Title</u>	<u>Certificate of Registration</u>	<u>Date</u>
Zoot Allures	Eu 729366	Nov. 8, 1976
Black Napkins	Eu 729369	Nov. 8, 1976
Watermelon in Easter Hay	PA 53915	Dec. 18, 1975

True and correct copies of the certificates of registration are attached hereto as Exhibit 4.

63. At all times relevant hereto, Zappa and Plaintiff have duly complied with all pertinent provisions of the Copyright Act and all of the laws governing copyright with respect to the Restricted Cuts Compositions.

64. Zappa and Plaintiff assigned to Zappa and Plaintiff as trustees of the Zappa Family Trust, u/t/d November 15, 1990, all of their right, title and interest in and to the Restricted Cut Compositions, and all of his copyrights therein. The assignments were recorded with the United States Copyright Office.

65. Within the relevant statute of limitations period, as extended by the tolling agreements described in paragraph 9 above, Ryko has unlawfully, and without authority from Plaintiff, digitally distributed, as singles, the Restricted Cuts with the Restricted Cut Compositions embodied thereon.

66. Through its conduct alleged above, Ryko has infringed Plaintiff's exclusive rights in each of the Restricted Cut Compositions by distributing as singles the Restricted Cuts with the Restricted Cut Compositions embodied thereon in violation of Sections 106, 115, and 501 of the Copyright Act, 17 U.S.C. §§ 106, 115, and 501.

67. Ryko's acts of infringement were willful, in disregard of and with indifference to the rights of Plaintiff.

68. Plaintiff has notified Ryko in writing of its violations of Plaintiff's rights and demanded that Ryko cease its unlawful conduct. Ryko has failed and refused to cease and desist from its unlawful conduct.

69. As a direct and proximate result of the infringements by Ryko, Plaintiff is entitled to damages and Ryko's profits in amounts to be proven at trial.

70. Alternatively, Plaintiff is entitled to the maximum statutory damages in the amount of \$150,000 with respect to each musical composition infringed, or for such other amounts as may be proper under 17 U.S.C. § 504(c).

71. Plaintiff is further entitled to her attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

72. As a direct and proximate result of the foregoing acts and conduct, Plaintiff has sustained and will continue to sustain substantial, immediate, and irreparable injury, for which there is no adequate remedy at law. Unless enjoined and restrained by

this Court, Ryko will continue to infringe Plaintiff's rights in the Restricted Cut Compositions embodied on the Restricted Cuts. Plaintiff is entitled to preliminary and permanent injunctive relief.

#### **SEVENTH CLAIM FOR RELIEF**

##### **(SECTION 43(a) OF THE LANHAM ACT)**

73. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 9 hereinafter as if the same were fully set forth at length herein.

74. Within the relevant statute of limitations period, as extended by the tolling agreements described in paragraph 9 above, Ryko has violated Section 43(a)(1)(B) of the Lanham Act, 15 U.S.C. §1125(a), by expressly and impliedly misrepresenting in advertising and promotion the nature, characteristics and/or qualities of various Zappa albums by, among others, the following acts: (1) releasing as Zappa albums compilations consisting of Subject Masters taken from various albums created by Zappa as grand rights recordings even though Zappa only intended those Subject Masters to be exploited on the albums in which they were originally released; (2) distributing old recordings in new configurations and technical formats that are inferior to the Subject Masters delivered by the Trust to Ryko; (3) distributing various vinyl recordings and digitally distributing various other recordings that do not meet the artistic and technical standards evidenced in the recordings compiled and/or produced by Zappa; and (4) releasing various compilation albums using titles such as "Zappa's Greatest Hits," "The Best of Frank Zappa" or similar misleading titles which are false.

75. As set forth hereinabove, Ryko has intentionally and knowingly engaged in the foregoing conduct in order to deceive the consuming public into purchasing albums and/ recordings which are actually quite different than as advertised by Ryko.

76. Based on Ryko's actions, the public is likely to be confused and misled into purchasing recordings which are very different than the recordings they thought they were purchasing.

77. As a direct and proximate result of the aforesaid wrongful acts of Ryko, Plaintiff has been damaged and Ryko has made profits in an amount to be determined at trial.

78. Plaintiff is entitled, pursuant to 15 U.S.C. §1117(a), to three times Ryko's profits or actual damages, whichever is greater, plus costs of suit and together with reasonable attorneys' fees.

#### **EIGHTH CLAIM FOR RELIEF**

##### **(ACCOUNTING)**

79. Plaintiff repeats and realleges the allegations set forth in paragraphs 1 through 9 and 16 through 18 hereinafter as if the same were fully set forth at length herein.

80. Since the inception of the 1994 Agreement, Ryko has willfully and consistently underaccounted for mechanical royalties due to Plaintiff and paid over to Plaintiff substantially less money than was and is properly due and owing to her pursuant to the terms of the 1994 Agreement.

81. Ryko maintains complete and exclusive knowledge and control over the documents, papers and things containing the true facts concerning royalties payable to Plaintiff.

82. The amount of money due from Ryko to Plaintiff is unknown to her and cannot be ascertained without an accounting of Ryko's books and records for the relevant period.

83. Plaintiff has demanded that Ryko duly and correctly account to her for all such amounts, and allow her to audit Ryko's books and records from the inception of the 1994 Agreement to the present, but Ryko has failed and refused, and continues to

fail and refuse, to render such accountings or allow Plaintiff to audit its books and records.

84. Plaintiff has also requested that Ryko be ordered to render to them true and accurate accountings for the period from inception of the 1994 Agreement to the date hereof and pay to her any and all amounts found due.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Ryko as follows:

**ON THE FIRST CLAIM FOR RELIEF**

1. For a judicial determination and a declaration that:

(a) Pursuant to the 1994 Agreement, the Trust retained all rights in and to any sound recordings embodying Zappa's performances other than the Subject Masters, including, but not limited to, the "Vault Masters" that are different versions or mixes of a Subject Master. Thus, the Trust has the right to exploit Vault Masters, even if they are different artistic or technical versions or mixes of the Subject Masters, made from the same source material as the Subject Masters, or versions or mixes made from the same source materials from which the Subject Masters were derived, and Ryko does not have the right to delivery of those masters;

(b) Ryko does not have the right pursuant to the 1994 Agreement to digitally distribute the Subject Masters either directly or through websites such as Emusic, Napster, iTunes or other similar on-line sites; and

(c) Ryko does not have the right pursuant to the 1994 Agreement to distribute any of the Subject Masters in vinyl.

**ON THE SECOND CLAIM FOR RELIEF**

2. For compensatory damages in an amount to be determined according to proof at trial.

**ON THE THIRD CLAIM FOR RELIEF**

3. For Plaintiff's damages and Ryko's profits in such amount as may be found.
4. For a preliminary and a permanent injunction enjoining Ryko and its respective agents, servants, employees, officers, successors, licensees, and assigns, and all persons acting in concert or participation with each or any of them, from manufacturing or distributing the Lather Album embodying the Trust's Lather Sound Recordings, or from licensing to third parties or otherwise exploiting the Trust's Lather Sound Recordings.

**ON THE FOURTH CLAIM FOR RELIEF**

5. For Plaintiff's damages and Ryko's profits in such amount as may be found; alternatively, for maximum statutory damages in the amount of \$150,000 with respect to each copyright infringed, or for such other amounts as may be proper pursuant to 17 U.S.C. § 504(c).

6. For a preliminary and a permanent injunction enjoining Ryko and its respective agents, servants, employees, officers, successors, licensees, and assigns, and all persons acting in concert or participation with each or any of them, from manufacturing or distributing the musical compositions embodied on the Trust's Lather Sound Recordings, or from licensing to third parties or otherwise exploiting the musical compositions embodied on the Lather Sound Recordings.

**ON THE FIFTH CLAIM FOR RELIEF**

7. For Plaintiff's damages and Ryko's profits in such amount as may be found; alternatively, for maximum statutory damages in the amount of \$150,000 with respect to each copyright infringed, or for such other amounts as may be proper pursuant to 17 U.S.C. § 504(c).

8. For a preliminary and a permanent injunction enjoining Ryko and its respective agents, servants, employees, officers, successors, licensees, and assigns,

and all persons acting in concert or participation with each or any of them, from: licensing digital rights in the Restricted Cuts.

**ON THE SIXTH CLAIM FOR RELIEF**

9. For Plaintiff's damages and Ryko's profits in such amount as may be found; alternatively, for maximum statutory damages in the amount of \$150,000 with respect to each copyright infringed, or for such other amounts as may be proper pursuant to 17 U.S.C. § 504(c).

10. For a preliminary and a permanent injunction enjoining Ryko and its respective agents, servants, employees, officers, successors, licensees, and assigns, and all persons acting in concert or participation with each or any of them, from licensing digital rights in the Restricted Cut Compositions.

**ON THE SEVENTH CLAIM FOR RELIEF**

13. For damages and recapture of Ryko's profits in an amount to be determined according to proof at trial.

14. For treble damages and profits pursuant to 15 U.S.C. § 1117(a).

15. For a preliminary and a permanent injunction enjoining Ryko and its respective agents, servants, employees, officers, successors, licensees, and assigns, and all persons acting in concert or participation with each or any of them, from: (1) releasing new Zappa albums embodying compilations that were not created by Zappa; (2) distributing old recordings in new configurations and technical formats that are inferior to the Subject Masters delivered by the Trust to Ryko; (3) licensing digital rights in the Subject Masters; (4) distributing the Subject Masters in vinyl; and (5) releasing compilation albums using misleading titles such as "Zappa's Greatest Hits," "The Best of Frank Zappa."

**ON THE EIGHTH CLAIM FOR RELIEF**

16. A declaration that: (a) Ryko is required to render true and accurate accountings to Plaintiff for the period from the inception of the 1994 Agreement to the date hereof; (b) Ryko is required to provide Plaintiff with copies of Ryko's relevant books and records that would enable Plaintiff to verify the accuracy of the accounting described in subparagraph (a) of this paragraph; and (c) Ryko is required to pay Plaintiff any and all amounts found due.

**ON EACH CLAIM FOR RELIEF**

17. For prejudgment interest according to law.  
18. For Plaintiff's attorneys' fees and full costs incurred in this action.  
19. For such other and further relief as the Court may deem just and proper.

Dated: Santa Monica, California  
May 9, 2008

Respectfully Submitted,

/s/ Stanton L. Stein  
Stanton L. Stein  
Mark D. Passin  
DREIER STEIN KAHAN BROWNE  
WOODS GEORGE LLP  
The Water Garden  
1620 26<sup>th</sup> Street  
6<sup>th</sup> Floor, North Tower  
Santa Monica, CA 90404  
(310) 828-9050

and

Ira S. Sacks  
Robert J. Grand  
DREIER LLP  
499 Park Avenue  
New York, NY 10022  
(212) 328-6100

*Attorneys for Plaintiff*

# **EXHIBIT 1**

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number:

SR 611-901

III

\*\*

Effective date of registration:

March 31, 2008

## Title

Title of Work: Duck-Duck Goose

## Completion/Publication

Year of Completion: 1977

Date of 1st Publication: September 24, 1996

Nation of 1st Publication: United States

## Author

Author: Frank Zappa

Author Created: sound recording

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Year Born: 1940

Year Died: 1993

Anonymous: No

Pseudonym: No

## Copyright claimant

Copyright Claimant: The Zappa Family Trust

c/o Berger Kahn, Attn: Owen J. Sloane, 4531 Glencoe Ave, Suite 300,  
Marina del Rey, CA 90292

Transfer Statement: By Assignment

## Limitation of copyright claim

Previously registered: No

## Certification

Name: Owen J. Sloane

Date: March 26, 2008

Correspondence: Yes

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Register of Copyrights, United States of America

**Registration Number:**

**SR 611-902**

**Effective date of registration:**

**March 31, 2008**

**Title** \_\_\_\_\_

**Title of Work:** *Revenge of the Knick Knack People*

**Completion/ Publication** \_\_\_\_\_

**Year of Completion:** 1977

**Date of 1st Publication:** September 24, 1996

**Nation of 1st Publication:** United States

**Author** \_\_\_\_\_

**Author:** Frank Zappa

**Author Created:** sound recording

**Work made for hire:** No

**Citizen of:** United States

**Domiciled in:** United States

**Year Born:** 1940

**Year Died:** 1993

**Anonymous:** No

**Pseudonyms:** No

**Copyright claimant** \_\_\_\_\_

**Copyright Claimant:** The Zappa Family Trust

10 Berger Kahn, 4551 Glencoe Avenue, Suite 300, Marina del Rey, CA 90292

**Transfer Statement:** By Assignment

**Limitation of copyright claim** \_\_\_\_\_

**Previously registered:** No

**Certification** \_\_\_\_\_

**Name:** Owen J. Sloane

**Date:** March 26, 2008

**Correspondence:** Yes

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number:

SR 611-889

\*\*

Effective date of  
registration:

March 31, 2008

## Title

Title of Work: For the Young Sophisticate

## Completion/Publication

Year of Completion: 1973

Date of 1st Publication: September 24, 1996

Nation of 1st Publication: United States

## Author

Author: Frank Zappa

Author Created: sound recording

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Year Born: 1940

Year Died: 1993

Anonymous: No

Pseudonymous: No

## Copyright claimant

Copyright Claimant: The Zappa Family Trust

c/o Berger Kahn, Attn.: Owen J. Sloane, 4551 Glencoe Ave., Suite 300,  
Marina del Ray, CA, 90292

Transfer Statement: By assignment

## Limitation of copyright claim

Previously registered: No

## Certification

Name: Owen J. Sloane

Date: March 26, 2008

Correspondence: Yes

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

■ ■  
\* \*

Registration Number:

**SR 611-895**

Effective date of  
registration:

March 31, 2008

## Title

Title of Work: Tryin' to Grow a Chin

## Completion/Publication

Year of Completion: 1977

Date of 1st Publication: September 24, 1996

Nation of 1st Publication: United States

## Author

Author: Frank Zappa

Author Created: sound recording

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Year Born: 1940

Year Died: 1993

Anonymous: No

Pseudonyms: No

## Copyright claimant

Copyright Claimant: The Zappa Family Trust

c/o Berger Kahn, Attn.: Owen J. Sloane, 4551 Glencoe Avenue, Suite 300,  
Marina del Rey, CA, 90292

Transfer Statement: By Assignment

## Limitation of copyright claim

Previously registered: No

## Certification

Name: Owen J. Sloane

Date: March 26, 2008

Correspondence: Yes

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

100-10  
★ ★

Registration Number:

**SR 611-891**

Effective date of  
registration:

March 31, 2008

## Title

Title of Work: Broken Hearts are for Assholes

## Completion/Publication

Year of Completion: 1977

Date of 1st Publication: September 24, 1996

Nation of 1st Publication: United States

## Author

Author: Frank Zappa

Author-Created: sound recording

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Year Born: 1940

Year Died: 1993

Anonymous: No

Pseudonymous: No

## Copyright claimant

Copyright Claimant: The Zappa Family Trust  
c/o Berger Kahn, Attn.: Owen J. Sloane, 4551 Glencoe Avenue, Suite 300,  
Marina Del Rey, CA, 90292

Transfer Statement: By Assignment

## Limitation of copyright claim

Previously registered: No

## Certification

Name: Owen J. Sloane

Date: March 26, 2008

Correspondence: Yes

# Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

111  
\*\*

Registration Number:

**SR 611-898**

Effective date of  
registration:

March 31, 2008

## Title

Title of Work: Honey, Don't You Want a Man Like Me?

## Completion/Publication

Year of Completion: 1977

Date of 1st Publication: September 24, 1996 Nation of 1st Publication: United States

## Author

Author: Frank Zappa

Author Created: sound recording

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Year Born: 1940

Year Died: 1993

Anonymous: No

Pseudonymous: No

## Copyright claimant

Copyright Claimant: The Zappa Family Trust

c/o Berger Kahn, 4551 Glencoe Avenue, Suite 300, Marina del Rey, CA,  
90292

Transfer Statement: By Assignment

## Limitation of copyright claim

Previously registered: No

## Certification

Name: Owen J. Sloane

Date: March 26, 2008

Correspondence: Yes

## Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Marybeth Peters*

Register of Copyrights, United States of America

Registration Number:

**SR 611-899**



\*\*

Effective date of registration:

March 31, 2008

**Title** \_\_\_\_\_

Title of Work: Leather Goods

**Completion/Publication** \_\_\_\_\_

Year of Completion: 1977

Date of 1st Publication: September 24, 1996

Nation of 1st Publication: United States

**Author** \_\_\_\_\_

Author: Frank Zappa

Author Created: sound recording

Work made for hire: No

Citizen of: United States

Domiciled in: United States

Year Born: 1940

Year Died: 1993

Anonymous: No

Pseudonymous: No

**Copyright claimant** \_\_\_\_\_

Copyright Claimant: The Zappa Family Trust

c/o Berger Kahn, Attn.: Owen J. Sloane, 4551 Glencoe Avenue, Suite 300,  
Marina del Rey, CA, 90292

Transfer Statement: By Assignment

**Limitation of copyright claim** \_\_\_\_\_

Previously registered: No

**Certification** \_\_\_\_\_

Name: Owen J. Sloane

Date: March 26, 2008

Correspondence: Yes

# **EXHIBIT 2**

Page 3

# Certificate

## Registration of a Claim to Copyright

In a musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America

This is To Certify that the statements set forth in this certificate have been made a part of the records of the Copyright Office. In witness whereof the seal of the Copyright Office is hereto affixed.

*Barbara Ringer*  
Register of Copyrights  
United States of America

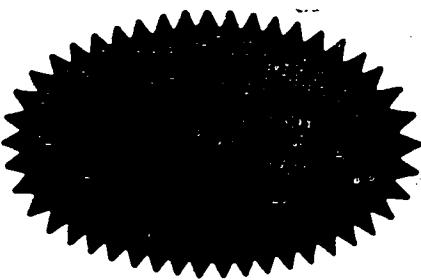
FORM E

REGISTRATION NO.

Eu 843148

CLASS  
E

DO NOT WRITE HERE

**1. Copyright Claimant(s) and Address(es):**Name Munchkin MusicAddress 824 North Robertson Boulevard, Hollywood, California 90069

Name \_\_\_\_\_

Address \_\_\_\_\_

**2. Title: DUCK DUCK GOOSE**

(Title of the musical composition)

**3. Authors:**Name Frank Zappa(Legal name followed by pseudonym if latter appears on the copies) Citizenship: U.S.A.  Other \_\_\_\_\_ (Check if U.S. citizen) (Name of country)

c/o 824 N. Robertson Blvd. (instrumental)

Domiciled in U.S.A. Yes  No \_\_\_\_\_ Address Hollywood, Ca. 90069 Author of MUSIC \_\_\_\_\_ (State which: words, music, arrangement, etc.)

Name \_\_\_\_\_

(Legal name followed by pseudonym if latter appears on the copies) Citizenship: U.S.A. \_\_\_\_\_ Other \_\_\_\_\_ (Name of country)

Domiciled in U.S.A. Yes \_\_\_\_\_ No \_\_\_\_\_ Address \_\_\_\_\_

Author of \_\_\_\_\_ (State which: words, music, arrangement, etc.)

Name \_\_\_\_\_

(Legal name followed by pseudonym if latter appears on the copies) Citizenship: U.S.A. \_\_\_\_\_ Other \_\_\_\_\_ (Name of country)

Domiciled in U.S.A. Yes \_\_\_\_\_ No \_\_\_\_\_ Address \_\_\_\_\_

Author of \_\_\_\_\_ (State which: words, music, arrangement, etc.)

**4. (a) Date of Publication:**

(Month) (Day) (Year)

**(b) Place of Publication:**

(Name of country)

**5. Previous Registration or Publication:**

Was work previously registered? Yes \_\_\_\_\_ No \_\_\_\_\_ Date of registration \_\_\_\_\_ Registration number \_\_\_\_\_

Was work previously published? Yes \_\_\_\_\_ No \_\_\_\_\_ Date of publication \_\_\_\_\_ Registration number \_\_\_\_\_

Is there any substantial NEW MATTER in this version? Yes \_\_\_\_\_ No \_\_\_\_\_ If your answer is "Yes," give a brief general statement of the nature of the NEW MATTER in this version.

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Complete all applicable spaces on next page

EXAMINER

HJM

## 6. Deposit account:

n/a

## 7. Send correspondence to:

Name Munchkin MusicAddress 824 North Robertson Boulevard  
Hollywood, California 90069

## 8. Send certificate to:

(Type or print name and address)

Name J. Bart Munchkin MusicP.O. Box 69338Address 824 North Robertson Boulevard

(Number and street)

Hollywood, California

90069

(City)

(State)

(ZIP code)

## Information concerning copyright in musical compositions

*When to Use Form E.* Form E is appropriate for unpublished and published musical compositions by authors who are U.S. citizens or domiciliaries, and for musical compositions first published in the United States.

*What Is a "Musical Composition"?* The term "musical composition" includes compositions consisting of music alone, or of words and music combined. It also includes arrangements and other versions of earlier compositions, if new copyrightable work of authorship has been added.

*Song Lyrics Alone.* The term "musical composition" does not include song poems and other works consisting of words without music. Works of that type are not registrable for copyright in unpublished form.

## Unpublished musical compositions

*How to Register a Claim.* To obtain copyright registration, mail to the Register of Copyrights, Library of Congress, Washington, D.C. 20559, one complete copy of the musical composition, an application Form E, properly completed and signed, and a fee of \$6. Manuscripts are not returned, so do not send your only copy.

—*Sound Recordings.* Phonograph records, tape recordings, and other sound recordings are not regarded as "copies" of the musical compositions recorded on them, and are not acceptable for copyright registration of musical compositions. For purposes of deposit, the musical compositions should be written in some form of legible notation. If the composition contains words, they should be written above or beneath the notes to which they are sung.

—*Duration of Copyright.* Statutory copyright begins on the date the work was first published, or, if the work was registered for copyright in unpublished form, copyright begins on the date of registration. In either case, copyright lasts for 28 years, and may be renewed for a second 28-year term.

## Published musical compositions

*Procedure to Follow if Work Is Later Published.* If the work is later reproduced in copies and published, it is necessary to make a second registration, following the procedure outlined below. To maintain copyright protection, all copies of the published edition must contain a copyright notice in the required form and position.

*What Is "Publication"?* Publication, generally, means the sale, placing on sale, or public distribution of copies. Limited distribution of so-called "professional" copies ordinarily would not constitute publication. However, since the dividing line between a preliminary distribution and actual publication may be difficult to determine, it is wise for the author to affix notice of copyright to copies that are to be circulated beyond his control.

*How to Secure Copyright in a Published Musical Composition:* (1) produce copies with copyright notice, by printing or other means of reproduction; (2) publish the work; and then (3) register the copyright claim, following the instructions on page 1 of this form.

*The Copyright Notice.* In order to secure and maintain copyright protection for a published work, it is essential that all copies published in the United States contain the statutory copyright notice. This notice shall appear on the title page or first page of music and must consist of three elements:

1. The word "Copyright," the abbreviation "Copr.," or the symbol ©. Use of the symbol © may result in securing copyright in countries which are parties to the Universal Copyright Convention.
2. The year date of publication. This is ordinarily the date when copies were first placed on sale, sold, or publicly distributed. However, if the work has been registered for copyright in unpublished form, the notice should contain the year of registration; or, if there is new copyrightable matter in the published version, it should include both dates.
3. The name of the copyright owner (or owners).

Example: © John Doe 1976

**WARNING:** If copies are published without the required notice, the right to secure copyright is lost and cannot be restored.

**NOTE:** For information concerning registration of works first published on a motion picture soundtrack, write to the Copyright Office.

## FOR COPYRIGHT OFFICE USE ONLY

Application received	
NOV 21 1977	
One copy received	
NOV 21 1977	
Two copies received	
Fee received	
39621 NOV 21 1977	

33

## CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

*Barbara Ringer*  
Barbara Ringer  
ACTING REGISTER OF COPYRIGHTS  
United States of America

U.S. COPYRIGHT OFFICE  
UNITED STATES COPYRIGHT OFFICE

REC

PA 682-900

(PA) PAU  
EFFECTIVE DATE OF REGISTRATION

DEC 6 1993  
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

## TITLE OF THIS WORK ▼

Curse of the Knick Knack People

## PREVIOUS OR ALTERNATIVE TITLES ▼

(As contained in the video "Pee-wee Snakes")

## NATURE OF THIS WORK ▼ See instructions

Words &amp; Music

## NAME OF AUTHOR ▼

Frank Zappa

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

1940

Was this contribution to the work a "work made for hire"?

Yes  
 No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▶ USA  
Domiciled in ▶ USAWAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

If the answer to either of these questions is Yes, see detailed instructions

## NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

Words &amp; Music

## NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

1940

Was this contribution to the work a "work made for hire"?

Yes  
 No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▶ USA  
Domiciled in ▶ USAWAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

If the answer to either of these questions is Yes, see detailed instructions

## NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

## NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH  
Year Born ▼ Year Died ▼

Was this contribution to the work a "work made for hire"?

Yes  
 No

## AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ▶ USA  
Domiciled in ▶ USAWAS THIS AUTHOR'S CONTRIBUTION TO THE WORK  
Anonymous?  Yes  No  
Pseudonymous?  Yes  No

If the answer to either of these questions is Yes, see detailed instructions

## NATURE OF AUTHORSHIP Briefly describe nature of the material created by this author in which copyright is claimed. ▼

## YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

This information must be given in all cases.

1977

## DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information Month ▶ Sept. Day ▶ 15 Year ▶ 1979  
ONLY if this work has been published.

United States

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Munchkin Music

c/o Owen J. Sloane, Esq.  
100 Wilshire Blvd., 20th Floor  
Santa Monica, CA 90401

TRANSFER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

By Agreement

34

MORE ON BACK ▶ • Complete all applicable spaces (numbers 5-9) on the reverse side of this page

• See detailed instructions

APPLICATION RECEIVED

361

ONE DEPOSIT RECEIVED

361

TWO DEPOSITS RECEIVED

361

REMITTANCE NUMBER AND DATE

DO NOT WRITE HERE

Page 3

**Certificate****Registration of a Claim to Copyright**

In a musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America

This is to Certify that the statements set forth in this certificate have been made a part of the records of the Copyright Office. In witness whereof the seal of the Copyright Office is hereto affixed.



Register of Copyrights  
United States of America

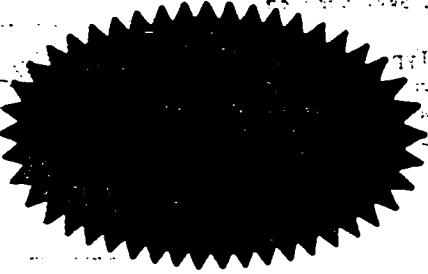
**FORM E**

REGISTRATION NO.

CLASS

**Eu 843147**

DO NOT WRITE HERE

**E****1. Copyright Claimant(s) and Address(es):**

Name Munchkin Music

Address 824 North Robertson Boulevard, Hollywood, California 90069

Name \_\_\_\_\_

Address \_\_\_\_\_

**2. Title: FOR THE YOUNG SOPHISTICATE**

(Title of the musical composition)

**3. Authors:**

Name Frank Zappa

(Legal name followed by pseudonym if latter appears on the copies)

Citizenship: U.S.A. 

(Check if U.S. citizen)

Other \_\_\_\_\_

(Name of country)

c/o 824 N. Robertson Blvd.

Domiciled in U.S.A. Yes  No \_\_\_\_\_ Address Hollywood, California Author of words & music

(State which: words, music, arrangement, etc.)

Name \_\_\_\_\_

(Legal name followed by pseudonym if latter appears on the copies)

Citizenship: U.S.A. \_\_\_\_\_

(Check if U.S. citizen)

Other \_\_\_\_\_

(Name of country)

Domiciled in U.S.A. Yes \_\_\_\_\_ No \_\_\_\_\_ Address \_\_\_\_\_

Author of \_\_\_\_\_  
(State which: words, music, arrangement, etc.)

Name \_\_\_\_\_

(Legal name followed by pseudonym if latter appears on the copies)

Citizenship: U.S.A. \_\_\_\_\_

(Check if U.S. citizen)

Other \_\_\_\_\_

(Name of country)

Domiciled in U.S.A. Yes \_\_\_\_\_ No \_\_\_\_\_ Address \_\_\_\_\_

Author of \_\_\_\_\_  
(State which: words, music, arrangement, etc.)**4. (a) Date of Publication:**

(Month)

(Day)

(Year)

**(b) Place of Publication:**

(Name of country)

**5. Previous Registration or Publication:**

Was work previously registered? Yes \_\_\_\_\_ No \_\_\_\_\_ Date of registration \_\_\_\_\_ Registration number \_\_\_\_\_

Was work previously published? Yes \_\_\_\_\_ No \_\_\_\_\_ Date of publication \_\_\_\_\_ Registration number \_\_\_\_\_

Is there any substantial NEW MATTER in this version? Yes \_\_\_\_\_ No \_\_\_\_\_ If your answer is "Yes," give a brief general statement of the nature of the NEW MATTER in this version.

35

EXAMINER  
H.

6. Deposit account:

7. Send correspondence to:

Name Munchkin Music

824 N. Robertson Blvd.

Address Hollywood, California 90069

8. Send certificate to:

(Type or print name and address) Janet Lee Bart  
Address P.O. Box 69338824 North Robertson Boulevard  
(Number and street)Hollywood  
(City)California  
(State)90069  
(ZIP code)

## Information concerning copyright in musical compositions

*When to Use Form E.* Form E is appropriate for unpublished and published musical compositions by authors who are U.S. citizens or domiciliaries, and for musical compositions first published in the United States.

*What Is a "Musical Composition"?* The term "musical composition" includes compositions consisting of music alone, or of words and music combined. It also includes arrangements and other versions of earlier compositions, if new copyrightable work of authorship has been added.

*Song Lyrics Alone.* The term "musical composition" does not include song poems and other works consisting of words without music. Works of that type are not registrable for copyright in unpublished form.

—*Sound Recordings.* Phonograph records, tape recordings, and other sound recordings are not regarded as "copies" of the musical compositions recorded on them, and are not acceptable for copyright registration of musical compositions. For purposes of deposit, the musical compositions should be written in some form of legible notation. If the composition contains words, they should be written above or beneath the notes to which they are sung.

—*Duration of Copyright.* Statutory copyright begins on the date the work was first published, or, if the work was registered for copyright in unpublished form, copyright begins on the date of registration. In either case, copyright lasts for 28 years, and may be renewed for a second 28-year term.

## Unpublished musical compositions

*How to Register a Claim.* To obtain copyright registration, mail to the Register of Copyrights, Library of Congress, Washington, D.C. 20559, one complete copy of the musical composition, an application Form E, properly completed and signed, and a fee of \$6. Manuscripts are not returned, so do not send your only copy.

*Procedure to Follow if Work Is Later Published.* If the work is later reproduced in copies and published, it is necessary to make a second registration, following the procedure outlined below. To maintain copyright protection, all copies of the published edition must contain a copyright notice in the required form and position.

## Published musical compositions

*What Is "Publication"?* Publication, generally, means the sale, placing on sale, or public distribution of copies. Limited distribution of so-called "professional" copies ordinarily would not constitute publication. However, since the dividing line between a preliminary distribution and actual publication may be difficult to determine, it is wise for the author to affix notice of copyright to copies that are to be circulated beyond his control.

*How to Secure Copyright in a Published Musical Composition:*

1. *Produce copies with copyright notice,* by printing or other means of reproduction.
2. *Publish the work.*
3. *Register the copyright claim,* following the instructions on page 1 of this form.

*The Copyright Notice.* In order to secure and maintain copyright protection for a published work, it is essential that

all copies published in the United States contain the statutory copyright notice. This notice shall appear on the title page or first page of music and must consist of three elements:

1. *The word "Copyright," the abbreviation "Copr.," or the symbol ©.* Use of the symbol © may result in securing copyright in countries which are parties to the Universal Copyright Convention.

2. *The year date of publication.* This is ordinarily the date when copies were first placed on sale, sold, or publicly distributed. However, if the work has been registered for copyright in unpublished form, the notice should contain the year of registration; or, if there is new copyrightable matter in the published version, it should include both dates.

3. *The name of the copyright owner (or owners).* Example:

© John Doe 1974

NOTE: If copies are published without the required notice the right to secure copyright is lost and cannot be restored.

## FOR COPYRIGHT OFFICE USE ONLY

Application received  
NOV 21 1977One copy received  
NOV 21 1977

Two copies received

Fee received

39621 NOV 21 77

36

## CERTIFICATE OF COPYRIGHT REGISTRATION

FORM PA

UNITED STATES COPYRIGHT OFFICE

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

*Barbara Ringer*

Register of Copyrights  
United States of America

REGISTRATION NUMBER	PA 33-059
PAU	PAU
EFFECTIVE DATE OF REGISTRATION	
Month	APRIL
Day	23
Year	1979

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE CONTINUATION SHEET (FORM PA/CON)

1 Title	TITLE OF THIS WORK: "TRYIN' TO GROW A CHIN" as contained in the "Sheik Yerbouti" album		NATURE OF THIS WORK: (See instructions) words and music
	PREVIOUS OR ALTERNATIVE TITLES:		

2 Author(s)	IMPORTANT: Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). If any part of this work was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates blank.		
	NAME OF AUTHOR: Frank Zappa	DATES OF BIRTH AND DEATH: Born 1940 Died _____ (Year) (Year)	
	Was this author's contribution to the work a "work made for hire"? Yes _____ No <input checked="" type="checkbox"/> X	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Yes _____ No <input checked="" type="checkbox"/> X Pseudonymous? Yes _____ No <input checked="" type="checkbox"/> X  If the answer to either of these questions is "Yes," see detailed instructions attached	
	AUTHOR'S NATIONALITY OR DOMICILE: Citizen of US _____ or Domiciled in US _____ (Name of Country) (Name of Country)		
AUTHOR OF: (Briefly describe nature of this author's contribution) words and music			
3	NAME OF AUTHOR: Was this author's contribution to the work a "work made for hire"? Yes _____ No _____	DATES OF BIRTH AND DEATH: Born _____ Died _____ (Year) (Year)	
	AUTHOR'S NATIONALITY OR DOMICILE: Citizen of _____ or Domiciled in _____ (Name of Country) (Name of Country)	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Yes _____ No _____ Pseudonymous? Yes _____ No _____  If the answer to either of these questions is "Yes," see detailed instructions attached	
	AUTHOR OF: (Briefly describe nature of this author's contribution)		
NAME OF AUTHOR: Was this author's contribution to the work a "work made for hire"? Yes _____ No _____	DATES OF BIRTH AND DEATH: Born _____ Died _____ (Year) (Year)		
3	AUTHOR'S NATIONALITY OR DOMICILE: Citizen of _____ or Domiciled in _____ (Name of Country) (Name of Country)	WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK: Anonymous? Yes _____ No _____ Pseudonymous? Yes _____ No _____  If the answer to either of these questions is "Yes," see detailed instructions attached	
	AUTHOR OF: (Briefly describe nature of this author's contribution)		

3 Creation and Publication	YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED: Year 1977 (This information must be given in all cases.)	DATE AND NATION OF FIRST PUBLICATION: Date February 22, 1979 (Month) (Day) (Year) Nation US and Canada (Name of Country) (Complete this block ONLY if this work has been published)

4 Claimant(s)	NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S): MUNCHKIN MUSIC 824 N. Robertson Blvd., Los Angeles, CA. 90069	
	TRANSFER: (If the copyright claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.)  Frank Zappa d/b/a MUNCHKIN MUSIC	

<p>*According to Copyright Office records, year of previous registration is 1977.</p> <p>PA 33-059</p>	EXAMINED BY: <i>110</i>	APPLICATION RECEIVED: <i>23 APR 1979</i>	<p>FOR COPYRIGHT OFFICE USE ONLY</p>
	CHECKED BY: <i>110</i>	DEPOSIT RECEIVED: <i>23 APR 1979</i>	
	CORRESPONDENCE: <input type="checkbox"/> Yes	DEPOSIT ACCOUNT FUNDS USED: <input type="checkbox"/>	
	REMITTANCE NUMBER AND DATE: <i>216427 APR 2379</i>		

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED ADDITIONAL SPACE, USE CONTINUATION SHEET (FORM PA/CON)

## PREVIOUS REGISTRATION:

- Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? Yes  X ..... No ..... 5
- If your answer is "Yes," why is another registration being sought? (Check appropriate box)
  - This is the first published edition of a work previously registered in unpublished form.
  - This is the first application submitted by this author as copyright claimant.
  - This is a changed version of the work, as shown by line 6 of the application.
- If your answer is "Yes," give: Previous Registration Number *EU 843151* ..... Year of Registration *1971* ..... \*

## COMPILED OR DERIVATIVE WORK: (See instructions)

PREEXISTING MATERIAL: (Identify any preexisting work or works that the work is based on or incorporates.)

6  
Compilation  
or  
Derivative  
Work

MATERIAL ADDED TO THIS WORK: (Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.)

DEPOSIT ACCOUNT: (If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.)

Name: .....

Account Number: .....

CORRESPONDENCE: (Give name and address to which correspondence about this application should be sent.)

Name: *MUNCHKIN MUSIC* .....Address: *824 N. Robertson Blvd.* .....

(Apt.)

*Los Angeles, CA. 90069* .....

(City)

(State)

(ZIP)

7  
Fee and  
Correspond-  
ence

## CERTIFICATION: \* I, the undersigned, hereby certify that I am the: (Check one)

author  other copyright claimant  owner of exclusive right(s)  authorized agent of *MUNCHKIN MUSIC*  
(Name of author or other copyright claimant, or owner of exclusive right(s))

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Handwritten signature: (X) *Theresa Powers*Typed or printed name: *Theresa Powers* Date *4/10/79*8  
Certification  
(Application  
must be  
signed)

.. Theresa Powers ..  
(Name)

.. MUNCHKIN MUSIC .. 824 N. Robertson Blvd. ....  
(Number, Street and Apartment Number)

.. Los Angeles, CA. 90069 ..  
(City) (State) (ZIP code)

MAIL  
CERTIFICATE  
TO  
13 JUN 1979  
(Certificate will  
be mailed in  
window envelope)

9  
Address  
For Return  
of  
Certificate

## CERTIFICATE OF COPYRIGHT REGISTRATION

This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

*Barbara Ringer*

Register of Copyrights  
United States of America

REGISTRATION NUMBER	PA	33-049
PAU		
EFFECTIVE DATE OF REGISTRATION		
Month	APRIL	23, 1979
Day		Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE CONTINUATION SHEET (FORM PA/CON)

<p><b>1</b> Title</p>	<p><b>TITLE OF THIS WORK:</b> "BROKEN HEARTS ARE FOR ASSHOLES" as contained in the "Sheik Yerbouti" album</p>	<p><b>NATURE OF THIS WORK:</b> (See instructions)</p>
	<p><b>PREVIOUS OR ALTERNATIVE TITLES:</b></p>	

<p><b>2</b> Author(s)</p>	<p><b>IMPORTANT:</b> Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). If any part of this work was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates blank.</p>		
	<p><b>NAME OF AUTHOR:</b> Frank Zappa</p>	<p>Was this author's contribution to the work a "work made for hire"? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p><b>DATES OF BIRTH AND DEATH:</b> Born 1940 Died _____ (Year) (Year)</p>
	<p><b>AUTHOR'S NATIONALITY OR DOMICILE:</b> Citizen of US _____ or Domiciled in US _____ (Name of Country) (Name of Country)</p>	<p><b>WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:</b> Anonymous? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Pseudonymous? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	
	<p><b>AUTHOR OF:</b> (Briefly describe nature of this author's contribution) words and music</p>	<p>If the answer to either of these questions is "Yes," see detailed instructions attached</p>	
<p><b>2</b></p>	<p><b>NAME OF AUTHOR:</b></p>	<p>Was this author's contribution to the work a "work made for hire"? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><b>DATES OF BIRTH AND DEATH:</b> Born _____ Died _____ (Year) (Year)</p>
	<p><b>AUTHOR'S NATIONALITY OR DOMICILE:</b> Citizen of _____ or Domiciled in _____ (Name of Country) (Name of Country)</p>	<p><b>WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:</b> Anonymous? Yes <input type="checkbox"/> No <input type="checkbox"/> Pseudonymous? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
	<p><b>AUTHOR OF:</b> (Briefly describe nature of this author's contribution) words and music</p>	<p>If the answer to either of these questions is "Yes," see detailed instructions attached</p>	
<p><b>3</b></p>	<p><b>NAME OF AUTHOR:</b></p>	<p>Was this author's contribution to the work a "work made for hire"? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><b>DATES OF BIRTH AND DEATH:</b> Born _____ Died _____ (Year) (Year)</p>
	<p><b>AUTHOR'S NATIONALITY OR DOMICILE:</b> Citizen of _____ or Domiciled in _____ (Name of Country) (Name of Country)</p>	<p><b>WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:</b> Anonymous? Yes <input type="checkbox"/> No <input type="checkbox"/> Pseudonymous? Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
	<p><b>AUTHOR OF:</b> (Briefly describe nature of this author's contribution)</p>	<p>If the answer to either of these questions is "Yes," see detailed instructions attached</p>	

<p><b>3</b> Creation and publication</p>	<p><b>YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED:</b> Year 1977 (This information must be given in all cases.)</p>	<p><b>DATE AND NATION OF FIRST PUBLICATION:</b> Date February 22, 1979 (Month) (Day) (Year) Nation United States and Canada (Name of Country)</p>
	<p>(Complete this block ONLY if this work has been published.)</p>	

<p><b>4</b> Claimant(s)</p>	<p><b>NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S):</b> MUNCHKIN MUSIC 824 N. Robertson Blvd., Los Angeles, CA. 90069</p>	
	<p><b>TRANSFER:</b> (If the copyright claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.) Frank Zappa d/b/a MUNCHKIN MUSIC</p>	

EXAMINED BY: <i>JKC</i>	APPLICATION RECEIVED: <i>23 APR 1979</i>	FOR COPYRIGHT OFFICE USE ONLY
CHECKED BY: <i>JKC</i>	DEPOSIT RECEIVED: <i>23 APR 1979</i>	
CORRESPONDENCE: <input type="checkbox"/> Yes	DEPOSIT ACCOUNT FUNDUS USED: <input type="checkbox"/>	
DEPOSIT ACCOUNT FUNDUS USED: <input type="checkbox"/>	REMITTANCE NUMBER AND DATE: <i>216427 APR 2377</i>	

PA 38-049  
DO NOT WRITE ABOVE THIS LINE. IF YOU NEED ADDITIONAL SPACE, USE CONTINUATION SHEET (FORM PA/CON)

## PREVIOUS REGISTRATION:

- Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? Yes  No
- If your answer is "Yes," why is another registration being sought? (Check appropriate box)
  - This is the first published edition of a work previously registered in unpublished form.
  - This is the first application submitted by this author as copyright claimant.
  - This is a changed version of the work, as shown by line 6 of the application.
- If your answer is "Yes," give: Previous Registration Number ... EU ... 843154 ... Year of Registration 1977

5

Previous Registration

## COMPILED OR DERIVATIVE WORK: (See instructions)

6

Compilation or Derivative Work

PREEXISTING MATERIAL: (Identify any preexisting work or works that the work is based on or incorporates.)  
.....MATERIAL ADDED TO THIS WORK: (Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.)  
.....

DEPOSIT ACCOUNT: (If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.)

Name: .....

Account Number: .....

CORRESPONDENCE: (Give name and address to which correspondence about this application should be sent.)

Name: ... MUNCHKIN MUSIC .....

Address: 824 N. Robertson Blvd. ....

(Apt.)

Los Angeles, CA. 90069 .....

(City) (State) (ZIP)

7

Fee and Correspondence

## CERTIFICATION: \* I, the undersigned, hereby certify that I am the: (Check one)

 author  other copyright claimant  owner of exclusive right(s)  authorized agent of: ... MUNCHKIN MUSIC ...  
(Name of author or other copyright claimant, or owner of exclusive right(s))

I the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.



Handwritten signature: (X) .....

Typed or printed name: Theresa Powers Date 4/10/79

8

Certification  
(Application  
must be  
signed)

Theresa Powers  
(Name)  
MUNCHKIN MUSIC, 824 N. Robertson Blvd.  
(Number, Street and Apartment Number)  
Los Angeles, CA. 90069  
(City) (State) (ZIP code)

MAIL  
CERTIFICATE  
TO  
3 JUN 1979  
(Certificate will  
be mailed in  
window envelope)

9

Address  
For Return  
of  
Certificate

Page 3

# Certificate

## Registration of a Claim to Copyright

In a musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America

This is to Certify that the statements set forth in this certificate have been made a part of the records of the Copyright Office. In witness whereof the seal of the Copyright Office is hereto affixed.

*Barbara Liger*  
Register of Copyrights  
United States of America

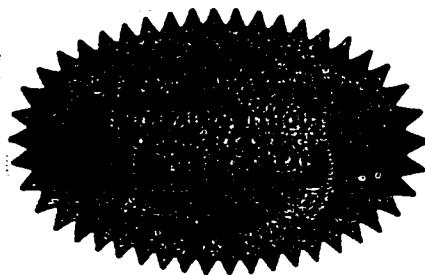
FORM E

REGISTRATION NO.

Eu 795161

CLASS

DO NOT WRITE HERE



E

## 1. Copyright Claimant(s) and Address(es):

Name Munchkin MusicAddress 824 North Robertson Boulevard, Hollywood, California 90069

Name \_\_\_\_\_

Address \_\_\_\_\_

2. Title: "HONEY DON'T YOU WANT A MAN LIKE ME"

(Title of the musical composition)

## 3. Authors:

Name Frank Zappa(Legal name followed by pseudonym if latter appears on the copies) Citizenship: U.S.A.  Other \_\_\_\_\_ (Check if U.S. citizen) (Name of country)Domiciled in U.S.A. Yes  No \_\_\_\_\_ Address C/O 824 North Robertson Blvd, Hollywood, California Author of words & music \_\_\_\_\_ (State which: words, music, arrangement, etc.)

Name \_\_\_\_\_

(Legal name followed by pseudonym if latter appears on the copies) Citizenship: U.S.A. \_\_\_\_\_ Other \_\_\_\_\_ (Check if U.S. citizen) (Name of country)

Domiciled in U.S.A. Yes \_\_\_\_\_ No \_\_\_\_\_ Address \_\_\_\_\_

Author of \_\_\_\_\_ (State which: words, music, arrangement, etc.)

Name \_\_\_\_\_

(Legal name followed by pseudonym if latter appears on the copies) Citizenship: U.S.A. \_\_\_\_\_ Other \_\_\_\_\_ (Check if U.S. citizen) (Name of country)

Domiciled in U.S.A. Yes \_\_\_\_\_ No \_\_\_\_\_ Address \_\_\_\_\_

Author of \_\_\_\_\_ (State which: words, music, arrangement, etc.)

## 4. (a) Date of Publication:

(Month) (Day) (Year)

## (b) Place of Publication:

(Name of country)

## 5. Previous Registration or Publication:

Was work previously registered? Yes \_\_\_\_\_ No \_\_\_\_\_ Date of registration \_\_\_\_\_ Registration number \_\_\_\_\_

Was work previously published? Yes \_\_\_\_\_ No \_\_\_\_\_ Date of publication \_\_\_\_\_ Registration number \_\_\_\_\_

Is there any substantial NEW MATTER in this version? Yes \_\_\_\_\_ No \_\_\_\_\_ If your answer is "Yes," give a brief general statement of the nature of the NEW MATTER in this version.

41

EXAMINER  
JH

Complete all applicable spaces on next page

## 6. Deposit account:

## 7. Send correspondence to:

Name Munchkin Music

824 North Robertson Blvd.

Address Hollywood, California 90069

## 8. Send certificate to:

(Type or  
print  
name and  
address) NameMunchkin Music

824 North Robertson Boulevard

(Number and street)

Hollywood, California 90069

(City)

(State)

(ZIP code)

## Information concerning copyright in musical compositions

*When to Use Form E.* Form E is appropriate for unpublished and published musical compositions by authors who are U.S. citizens or domiciliaries, and for musical compositions first published in the United States.

*What Is a "Musical Composition"?* The term "musical composition" includes compositions consisting of music alone, or of words and music combined. It also includes arrangements and other versions of earlier compositions, if new copyrightable work of authorship has been added.

*Song Lyrics Alone.* The term "musical composition" does not include song poems and other works consisting of words without music. Works of that type are not registrable for copyright in unpublished form.

## Unpublished musical compositions

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*Sound Recordings.* Phonograph records, tape recordings, and other sound recordings are not regarded as "copies" of the musical compositions recorded on them, and are not acceptable for copyright registration of musical compositions. For purposes of deposit, the musical compositions should be written in some form of legible notation. If the composition contains words, they should be written above or beneath the notes to which they are sung.

*Duration of Copyright.* Statutory copyright begins on the date the work was first published, or, if the work was registered for copyright in unpublished form, copyright begins on the date of registration. In either case, copyright lasts for 28 years, and may be renewed for a second 28-year term.

## Published musical compositions

*Procedure to Follow if Work Is Later Published.* If the work is later reproduced in copies and published, it is necessary to make a second registration, following the procedure outlined below. To maintain copyright protection, all copies of the published edition must contain a copyright notice in the required form and position.

*What Is "Publication"?* Publication, generally, means the sale, placing on sale, or public distribution of copies. Limited distribution of so-called "professional" copies ordinarily would not constitute publication. However, since the dividing line between a preliminary distribution and actual publication may be difficult to determine, it is wise for the author to affix notice of copyright to copies that are to be circulated beyond his control.

*How to Secure Copyright in a Published Musical Composition:* (1) produce copies with copyright notice, by printing or other means of reproduction; (2) publish the work; and then (3) register the copyright claim, following the instructions on page 1 of this form.

*The Copyright Notice.* In order to secure and maintain copyright protection for a published work, it is essential that all copies published in the United States contain the statutory copyright notice. This notice shall appear on the title page or first page of music and must consist of three elements:

1. *The word "Copyright," the abbreviation "Copr.," or the symbol ©.* Use of the symbol © may result in securing copyright in countries which are parties to the Universal Copyright Convention.

2. *The year date of publication.* This is ordinarily the date when copies were first placed on sale, sold, or publicly distributed. However, if the work has been registered for copyright in unpublished form, the notice should contain the year of registration; or, if there is new copyrightable matter in the published version, it should include both dates.

3. *The name of the copyright owner (or owners).*

Example: © John Doe 1976

**WARNING:** If copies are published without the required notice, the right to secure copyright is lost and cannot be restored.

**NOTE:** For information concerning registration of works first published on a motion picture soundtrack, write to the Copyright Office.

## FOR COPYRIGHT OFFICE USE ONLY

Application received

JUN 17 1977

One copy received

JUN 17 1977

Two copies received

Fee received

185448 JUN 17 77

# Copyright

United States Copyright Office

[Help](#)   [Search](#)   [History](#)   [Titles](#)   [Start Over](#)

## Public Catalog

Copyright Catalog (1978 to present)

Search Request: Left Anchored Title = lather

Search Results: Displaying 1 of 37 entries

[◀ previous](#)   [next ▶](#)
[View Record](#)   [View Details](#)
*Lather.*
**Type of Work:** Music

**Registration Number / Date:** PA0001083594 / 2001-03-12

**Title:** Lather.

**Imprint:** c1996.

**Publisher Number:** Ryko RCD 10574/76

**Description:** 3 compact disc.

**Performer:** Performed by Frank Zappa.

**Copyright Claimant:** the Zappa Family Trust

**Date of Creation:** 1977

**Date of Publication:** 1996-08-01

**Authorship on Application:** music & arr.: Frank Zappa, 1940-1993.

**Copyright Note:** C.O. correspondence.

**Names:** Zappa, Frank, 1940-1993
Zappa Family Trust
[◀ previous](#)   [next ▶](#)
[Save, Print and Email \(Help Page\)](#)

Select Download Format  Format for Print/Save

Enter your email address:  
[Help](#)   [Search](#)   [History](#)   [Titles](#)   [Start Over](#)

43

# **EXHIBIT 3**

02/23/2006 17:37

NO. 200 003

Copyright  
Office  
of the  
United  
States

THE  
LIBRARY  
OF  
CONGRESS

## *Certificate of Recordation*

THIS IS TO CERTIFY THAT THE ATTACHED DOCUMENT WAS RECORDED IN THE COPYRIGHT OFFICE ON THE DATE AND IN THE PLACE SHOWN BELOW.

THIS CERTIFICATE IS ISSUED UNDER THE SEAL OF THE COPYRIGHT OFFICE.

DATE OF RECORDATION

26Mar99

VOLUME PAGE

3431 623

VOLUME PAGE



OFFICIAL SEAL

*Marybeth Peters*

Register of  
Copyrights and  
Associate  
Librarian for  
Copyright  
Services

02/23/2006 17:37

NO. 200 D004

**RECEIVED**

MAR 31 1999

**DOCUMENT SECTION**

DO NOT WRITE ABOVE THIS LINE.

To the Register of Copyrights:  
Please record the accompanying original document or copy thereof.

**DOCUMENT COVER SHEET**For Recordation of Documents  
UNITED STATES COPYRIGHT OFFICEDATE OF RECORDATION  
(Assigned by Copyright Office)MAR 26 1999  
Month Day Year

Volume 3431 Page 623

Volume \_\_\_\_\_ Page \_\_\_\_\_

**REMITTANCE**

FUND RECEIVED \_\_\_\_\_

**1 NAME OF THE PARTY OR PARTIES TO THE DOCUMENT, AS THEY APPEAR IN THE DOCUMENT.**

Party 1: Rykodisc, Inc.  
(assignor, grantor, etc.)  
The Times Building, Suburban Square  
(address)  
Suite 300  
Armore, PA 19003

Party 2: Zappa Family Trust  
(assignee, grantee, etc.)  
P. O. Box 5265  
(address)  
North Hollywood, CA 91616

**2 DESCRIPTION OF THE DOCUMENT:**

Transfer of Copyright  Termination of Transfer(s) [Section 304]  
 Security Interest  Shareware  
 Change of Name of Owner  Life, Identity, Death Statement [Section 302]

Transfer of Mask Works  
 Other \_\_\_\_\_

**3 TITLE(S) OF WORK(S), REGISTRATION NUMBER(S), AUTHOR(S), AND OTHER INFORMATION TO IDENTIFY WORK.**

Title Watermelon in Easter Hay Registration Number SR 49713  
SR 15484  
Black Napkins N 37787

Author Frank Zappa  
Frank Zappa  
Frank Zappa  
Additional sheet(s) attached?  
 yes  
 no  
If so, how many? 1

**4**

Document is complete by its own terms.  
 Document is not complete. Record "as is."

**5** Number of titles in Document: 3

**6**

Amount of fee enclosed or authorized to be charged to a  
Deposit Account \$30.00

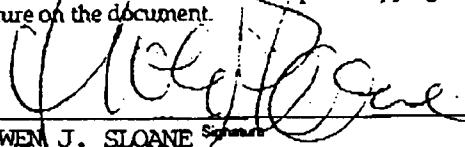
**7** Account number DA079383  
Account name Zappa Family Trust

**8**

Date of execution and/or effective date of accompanying  
document October 1004  
(month) (day) (year)

**9**

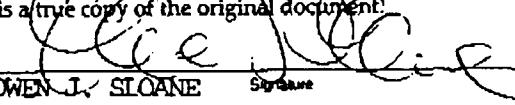
AFFIRMATION: I hereby affirm to the Copyright Office that the information given on this form is a true and correct representation of the accompanying document. This affirmation will not suffice as a certification of a photocopy signature on the document.

  
OWEN J. SLOANE  
Signature  
March 19, 1999

Date

**10** CERTIFICATION: Complete this certification if a photocopy of the original signed document is submitted in lieu of a document bearing the actual signature.

I certify under penalty of perjury under the laws of the United States of America that the accompanying document is a true copy of the original document.

  
OWEN J. SLOANE  
Signature  
Zappa Family Trust  
Duly Authorized Agent of:

March 19, 1999

Date

MAIL  
RECORDA-  
TION TO:

Name	Berger, Kahn, Shafton, Moss, Figler, Simon & Gladstone
Attention:	Owen J. Sloane
Number/Street/Apartment Number	4215 Glencoe Ave., 2nd Floor
City/State/Zip	Marina Del Rey, California 90292-5634

**YOU MUST**

- Complete all necessary spaces
- Sign your name sheet in space 9

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1. Two copies of the Document Cover Sheet
2. Fee in check or money order payable to Register of Copyrights
3. Document

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Documents Unit, Cataloging Division,  
Copyright Office, Library of Congress  
Washington, D.C. 20559

The Copyright Office has the authority to accept less than 5-year trans-  
fers, based on stamp in the Copyright Office  
MAIL FILE. The fee and stamp  
must be paid in full.  
Please contact  
Copyright Office and  
July 1st to determine  
the actual fee schedule.

**ADDITION TO SPACE 3  
OF DOCUMENT COVER SHEET**

<b><u>Title</u></b>	<b><u>Registration Number</u></b>	<b><u>Author</u></b>
Black Napkins	SR 154819	Frank Zappa
	SR 154812	Frank Zappa
Zoot Allures	N 37787	Frank Zappa
	SR 154826	Frank Zappa
	SR 154810	Frank Zappa
	SR 154829	Frank Zappa

## EXCLUSIVE LICENSE

For valuable consideration, receipt of which is hereby acknowledged, Rykodisc, Inc. does hereby license and transfer to the Zappa Family Trust, its licensees, transferees and successors in interest, the exclusive, perpetual, irrevocable and universe-wide rights to use, exploit, license, assign and transfer in any and all media or by any or all means, whether now known or hereafter discovered, without restrictions or limitations, the sound recordings embodying the performances of Frank Zappa of the below listed musical compositions, which sound recordings were registered for copyright as part of the compilations listed below under the numbers set forth next to each, reserving however unto itself, its assigns, transferees, licensees and successors in interest, the exclusive, perpetual, irrevocable, universe-wide right to use, exploit, license and, transfer said sound recordings as part of and not separate from, the below listed compilations only for phonorecord purposes as defined in the United States Copyright Act of 1976.

	Composition	Compilation's Title	Copyright Registration No.
1.	Watermelon in Easter Hay	a. Joe's Garage Act II and III b. Guitar	SR 49713 SR 15484



02/23/2006 17:37

NU. 266 1977

V3431 D623 Page 2

2. Black Napkins	a. Zoot Allures	N 37787
	b. Make A Jazz Noise Here	SR 154819
	c. YCDTOSA, Vol. VI	SR 15482
3. Zoot Allures	a. Zoot Allures	N 37787
	b. Does Humor Belong in Music	SR 154826
	c. YCDTUSA, Vol. iii	SR 154810
	d. The Best Band You Never Heard in Your Life	SR 154829

IN WITNESS WHEREOF, Rykodisc Inc. has cause this exclusive license to be executed and delivered this \_\_\_\_ day of October, 1994.

RYKODISC INC.

By: John  
Co. President

02/23/2006 17:37  
JCN1 01-AVRUX 181ecopier 7021 10-27-94 11:49AM :NO. 200 D008  
2122480642- 310 395 6782:# 2

CCT-26-1994 15:02

LL&amp;M HARTFORD

2032933518 P.002/004

98310.015.01

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<u>Composition</u>	<u>Compilation's Title</u>	<u>Copyright Registration No.</u>
1. Watermelon in Easter Ray	a. Joe's Garage Act II and III b. Guitar	SR 49713 SR 154834
2. Black Napkins	a. Zoot Allures b. Make A Jazz Noise Here c. YCDTOSA, Vol. VI	N 37787 SR 154819 SR 154812

02/23/2006 17:37  
FBI - LOS ANGELES RECOPILER T0221 10-27-94 11-00AM

21237000424

NO. 200 0009  
310 385 8782-2 3

OCT-26-1994 15:02

LL&amp;M HARTFORD

2032933518 P.003/224

CompositionCompilation's TitleCopyright  
Registration  
No.

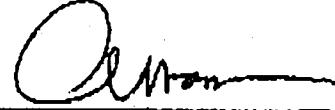
3. Zoot Allures

- a. Zoot Allures N 37787
- b. Does Humor Belong SR 154826  
in Music
- c. YCDTUSA, Vol iii SR 154810
- d. Tha Best Band You SR 154829  
Never Heard in  
Your Life

IN WITNESS WHEREOF, Rykodisc Inc. has cause this  
exclusive license to be executed and delivered this 7<sup>th</sup> day of  
October, 1994.

RYKODISC INC.

By:

  
 Vice President

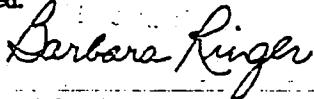
# **EXHIBIT 4**

Page 3

**Certificate****Registration of a Claim to Copyright**

in a musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America

This is to Certify that the statements set forth in this certificate have been made a part of the records of the Copyright Office. In witness whereof the seal of the Copyright Office is hereto affixed.



Register of Copyrights  
United States of America

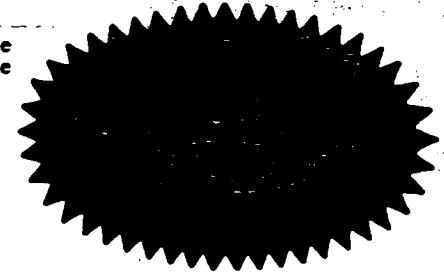
**FORM E**

REGISTRATION NO.

**Eu 729366**

DO NOT WRITE HERE

CLASS

**E****1. Copyright Claimant(s) and Address(es):**

MUNCHKIN MUSIC

Name \_\_\_\_\_

Martin Cohen, 6430 Sunset Blvd., St. 1500, L.A., Cal. 90028

Address \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

**2. Title: ZOOT ALLURES**

(Title of the musical composition)

**3. Authors:**Name **FRANK ZAPPA**

(Legal name followed by pseudonym if latter appears on the copies)

Citizenship: U.S.A. 

Other \_\_\_\_\_

(Name of country)

Domiciled in U.S.A. Yes  No \_\_\_\_\_ Address 6430 Sunset Blvd., St. 1500 Author of music

(State which: words, music, arrangement, etc.)

Los Angeles 90028

Name \_\_\_\_\_

(Legal name followed by pseudonym if latter appears on the copies)

Citizenship: U.S.A. \_\_\_\_\_

Other \_\_\_\_\_

(Name of country)

Domiciled in U.S.A. Yes \_\_\_\_\_ No \_\_\_\_\_ Address \_\_\_\_\_

Author of \_\_\_\_\_  
(State which: words, music, arrangement, etc.)

Name \_\_\_\_\_

(Legal name followed by pseudonym if latter appears on the copies)

Citizenship: U.S.A. \_\_\_\_\_

Other \_\_\_\_\_

(Name of country)

Domiciled in U.S.A. Yes \_\_\_\_\_ No \_\_\_\_\_ Address \_\_\_\_\_

Author of \_\_\_\_\_  
(State which: words, music, arrangement, etc.)**4. (a) Date of Publication:**

(Month) (Day) (Year)

**(b) Place of Publication:**

(Name of country)

**5. Previous Registration or Publication:****X 02508**

Was work previously registered? Yes \_\_\_\_\_ No \_\_\_\_\_ Date of registration \_\_\_\_\_ Registration number \_\_\_\_\_

Was work previously published? Yes \_\_\_\_\_ No \_\_\_\_\_ Date of publication \_\_\_\_\_ Registration number \_\_\_\_\_

Is there any substantial NEW MATTER in this version? Yes \_\_\_\_\_ No \_\_\_\_\_ If your answer is "Yes," give a brief general statement of the nature of the NEW MATTER in this version.

51

Complete all applicable spaces on next page

EXAMINER  
*[Signature]*

6. Deposit account: 34000

7. Send correspondence to:  
Martin Cohen, Esq.

Name

6430 Sunset Blvd., Suite 1500  
Los Angeles, California 90028

Address

8. Send certificate to:

(Type or  
print  
name and  
address) Name  
Address

MARTIN COHEN, ESQ.

6430 Sunset Boulevard, Suite 1500

(Number and street) 90028

(City)

(State)

(ZIP code)

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*What Is a "Musical Composition"?* The term "musical composition" includes compositions consisting of music alone, or of words and music combined. It also includes arrangements and other versions of earlier compositions, if new copyrightable work of authorship has been added.

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—*Sound Recordings.* Phonograph records, tape recordings, and other sound recordings are not regarded as "copies" of the musical compositions recorded on them, and are not acceptable for copyright registration of musical compositions. For purposes of deposit, the musical compositions should be written in some form of legible notation. If the composition contains words, they should be written above or beneath the notes to which they are sung.

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2. Publish the work.
3. Register the copyright claim, following the instructions on page 1 of this form.

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3. The name of the copyright owner (or owners). Example: © John Doe 1974

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One copy received

NOV 08 1976

Two copies received

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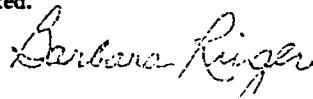
1052X

Page 3  
Certificate

## Registration of a Claim to Copyright

In a musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America

This Is To Certify that the statements set forth in this certificate have been made a part of the records of the Copyright Office. In witness whereof the seal of the Copyright Office is hereto affixed.



Register of Copyrights  
United States of America

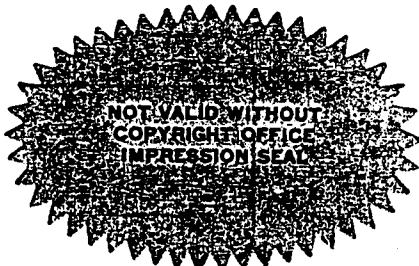
REGISTRATION NO.

Eu 729369

DO NOT WRITE HERE

CLASS

E



## 1. Copyright Claimant(s) and Address(es):

Name MUNCHKING MUSIC

Address c/o Martin Cohen, 6430 Sunset Blvd, St. 1500, L.A., Cal. 90028

Name \_\_\_\_\_

Address \_\_\_\_\_

## 2. Title: BLACK NAPKINS

(Title of the musical composition)

## 3. Authors:

Name FRANK ZAPPA Citizenship: U.S.A.  Other \_\_\_\_\_  
(Legal name followed by pseudonym if latter appears on the copies) (Check if U.S. citizen) (Name of country)

Domiciled in U.S.A. Yes  No \_\_\_\_\_ Address 6430 Sunset Blvd., St. 1500 Author of music  
(State which: words, music, arrangement, etc.)

Name \_\_\_\_\_ Citizenship: U.S.A. \_\_\_\_\_ Other \_\_\_\_\_  
(Legal name followed by pseudonym if latter appears on the copies) (Check if U.S. citizen) (Name of country)

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(State which: words, music, arrangement, etc.)

Name \_\_\_\_\_ Citizenship: U.S.A. \_\_\_\_\_ Other \_\_\_\_\_  
(Legal name followed by pseudonym if latter appears on the copies) (Check if U.S. citizen) (Name of country)

Domiciled in U.S.A. Yes \_\_\_\_\_ No \_\_\_\_\_ Address \_\_\_\_\_ Author of \_\_\_\_\_  
(State which: words, music, arrangement, etc.)

## 4. (a) Date of Publication:

(Month) (Day) (Year)

## (b) Place of Publication:

(Name of country)

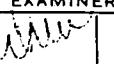
## 5. Previous Registration or Publication:

X02499

Was work previously registered? Yes \_\_\_\_\_ No \_\_\_\_\_ Date of registration \_\_\_\_\_ Registration number \_\_\_\_\_

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EXAMINER


Complete all applicable spaces on next page

53

6. Deposit account:

7. Send correspondence to:  
Martin Cohen, Esq.

Name \_\_\_\_\_

Address \_\_\_\_\_

6430 Sunset Blvd., Suite 1560  
Los Angeles, California

8. Send certificate to:

(Type or  
print  
name and  
address) \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

MARTIN COHEN, ESQ.

6430 Sunset Boulevard, Suite 1560

(Number and street)

Los Angeles, California

(City) \_\_\_\_\_

(State) \_\_\_\_\_

(ZIP code) 90023

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2. Publish the work.
3. Register the copyright claim, following the instructions on page 1 of this form.

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3. *The name of the copyright owner (or owners).* Example: © John Doe 1974

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One copy received

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Fee received

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This certificate, issued under the seal of the Copyright Office in accordance with the provisions of section 410(a) of title 17, United States Code, attests that copyright registration has been made for the work identified below. The information in this certificate has been made a part of the Copyright Office records.

*Barbara Ringer*

Register of Copyrights  
United States of America

REGISTRATION NUMBER

PA

53-915

PAU

EFFECTIVE DATE OF REGISTRATION

DEC 18 1979

(Month)

(Day)

(Year)

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE CONTINUATION SHEET (FORM PA/CON)

1

Title

**TITLE OF THIS WORK:** "Watermelon In Easter Hay" as contained in the album "Joe's Garage Act II & III"

**NATURE OF THIS WORK:** (See instructions) guitar solo

**PREVIOUS OR ALTERNATIVE TITLES:**

2

Author(s)

**IMPORTANT:** Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). If any part of this work was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates blank.

1	<b>NAME OF AUTHOR:</b> <i>Frank Zappa</i>	<b>DATES OF BIRTH AND DEATH:</b> Born 1940 Died _____ (Year) (Year)
	Was this author's contribution to the work a "work made for hire"? Yes..... No. <input checked="" type="checkbox"/>	<b>WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:</b> Anonymous? Yes..... No. <input checked="" type="checkbox"/> Pseudonymous? Yes..... No. <input checked="" type="checkbox"/> If the answer to either of these questions is "Yes," see detailed instructions attached.
	<b>AUTHOR'S NATIONALITY OR DOMICILE:</b> Citizen of <i>U.S.</i> or Domiciled in <i>U.S.</i> (Name of Country) (Name of Country)	
<b>AUTHOR OF:</b> (Briefly describe nature of this author's contribution) <i>entire composition</i>		
2	<b>NAME OF AUTHOR:</b>	<b>DATES OF BIRTH AND DEATH:</b> Born ..... Died ..... (Year) (Year)
	Was this author's contribution to the work a "work made for hire"? Yes..... No.....	<b>WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:</b> Anonymous? Yes..... No..... Pseudonymous? Yes..... No..... If the answer to either of these questions is "Yes," see detailed instructions attached.
	<b>AUTHOR'S NATIONALITY OR DOMICILE:</b> Citizen of ..... or Domiciled in ..... (Name of Country) (Name of Country)	
<b>AUTHOR OF:</b> (Briefly describe nature of this author's contribution)		
3	<b>NAME OF AUTHOR:</b>	<b>DATES OF BIRTH AND DEATH:</b> Born ..... Died ..... (Year) (Year)
	Was this author's contribution to the work a "work made for hire"? Yes..... No.....	<b>WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK:</b> Anonymous? Yes..... No..... Pseudonymous? Yes..... No..... If the answer to either of these questions is "Yes," see detailed instructions attached.
	<b>AUTHOR'S NATIONALITY OR DOMICILE:</b> Citizen of ..... or Domiciled in ..... (Name of Country) (Name of Country)	
<b>AUTHOR OF:</b> (Briefly describe nature of this author's contribution)		

3

Creation and Publication

**YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED:**

Year *1979*

(This information must be given in all cases.)

**DATE AND NATION OF FIRST PUBLICATION:**

Date *November 19, 1979*  
(Month) (Day) (Year)  
Nation *U.S. and Canada*  
(Name of Country)

(Complete this block ONLY if this work has been published.)

4

Claimant(s)

**NAME(S) AND ADDRESS(ES) OF COPYRIGHT CLAIMANT(S):** *c/o Glotzer Mgmt.*

*Munchkin Music*  
*824 No. Robertson Blvd.*  
*L.A., Ca. 90069*

**TRANSFER:** (If the copyright claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.)

*Frank Zappa, d/b/a Munchkin Music*

- Complete all applicable spaces (numbers 5-9) on the reverse side of this page
- Follow detailed instructions attached
- Sign the form at line 8

55

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Page 1 of 2 pages

EXAMINED BY: *U.S. 18 1979*CHECKED BY: *U.S. 18 1979*APPLICATION RECEIVED: *U.S. 18 1979*CORRESPONDENCE:  Yes *U.S. 18 1979*DEPOSIT RECEIVED: *U.S. 18 1979*DEPOSIT ACCOUNT: FUND USED: REMITTANCE NUMBER AND DATE: *8463 DEC 18 79*FOR  
COPYRIGHT  
OFFICE  
USE  
ONLY

PA

53-915

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- Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office? Yes  No
- If your answer is "Yes," why is another registration being sought? (Check appropriate box)
  - This is the first published edition of a work previously registered in unpublished form.
  - This is the first application submitted by this author as copyright claimant.
  - This is a changed version of the work, as shown by line 6 of the application.
- If your answer is "Yes," give: Previous Registration Number ..... Year of Registration .....

5

Previous  
Registration

## COMPILED OR DERIVATIVE WORK: (See instructions)

6

Compilation  
or  
Derivative  
Work

PREEXISTING MATERIAL: (Identify any preexisting work or works that the work is based on or incorporates.)

.....  
.....  
.....

MATERIAL ADDED TO THIS WORK: (Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.)

.....  
.....  
.....

DEPOSIT ACCOUNT: (If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.)

CORRESPONDENCE: (Give name and address to which correspondence about this application should be sent.)

Name: *Munchkin Music*  
 Address: *824 No. Robertson Blvd.* (Appt.)  
*L.A., Ca. 90069* (City) (State) (ZIP)

7

Fee and  
Correspond-  
ence

Name: .....

Account Number: .....

## CERTIFICATION: \* I, the undersigned, hereby certify that I am the: (Check one)

 author  other copyright claimant  owner of exclusive right(s)  authorized agent of:

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.



Handwritten signature: (X) .....

Typed or printed name: .....

*Munchkin Music*

(Name of author or other copyright claimant, or owner of exclusive right(s))

*Theresa J. Powers*Date *12-04-79*

8

Certification  
(Application  
must be  
signed)

Munchkin Music, *90 Glezer Mgmt.*  
 824 No. Robertson Blud. *(Name)*  
*(Number, Street and Apartment Number)*  
 L.A., Ca. 90069 *(City)* *(State)* *(ZIP code)*

MAIL  
CERTIFICATE  
TO15 JAN 1980  
(Certificate will  
be mailed in  
window envelope)

9

Address  
For Return  
of  
Certificate